

**CLEAN WATER ACT**

R6-2-52A. Class II Administrative Penalty; Initiation of Action; Public Notice; Consultation with State; Negotiation and Signing Consent Agreements; and Assessing Penalties.

1. **AUTHORITY.** Pursuant to Sections 309(g) and 311 of the Clean Water Act, the authority to:
  - a. Make findings of fact; propose penalty to be assessed; issue, amend, or withdraw Class II administrative complaints;
  - b. Provide, or cause to be provided, public notice of proposed assessment and provide commentors with copies of orders entered on consent or on default;
  - c. Consult with States, as required;
  - d. Sign consent agreements between the agency and the party against whom a Class II penalty is proposed to be assessed;
  - e. Issue final orders assessing Class II penalties where no hearing is requested by the respondent or pursuant to a consent agreement; and
  - f. Decide petitions by commentors to set aside final orders entered without a hearing and provide copies and/or notice of the decision.

2. **TO WHOM DELEGATED.**

- a. The authorities specified in 1.a, 1.b, 1.c, and 1.d above are delegated to the Director, Compliance Assurance and Enforcement Division and to the Director, Water Division.
- b. The authorities specified in 1.a, 1.b, 1.c, and 1.d are delegated to the Director, Superfund Division.
- c. The authority specified in 1.b. is further delegated through the Director, Superfund Division, through the Associate Director, Emergency Management Branch, through the Chief, Oil & CERCLA Removal Section to the Oil Spill & Response Team Leader.
- d. The authority in 1.e is delegated to the Regional Judicial Officer.
- e. The authority in 1.f is retained by the Regional Administrator.

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R6-2-52A. Class II Administrative Penalty; Initiation of Action; Public Notice; Consultation with State; Negotiation and Signing Consent Agreements; and Assessing Penalties. (Contd)

**3. LIMITATIONS.**

- a. The delegates of the Regional Administrator may exercise the above authorities only for those cases initiated by the Region.
- b. The authority of the Director, Superfund Division is limited to the oil pollution program.
- c. The authority in 1.b which has been redelegated to the Oil Spill & Response Team Leader is limited to the oil pollution program.
- d. The delegates of the Regional Administrator must consult with the Regional Counsel or his/her delegatee and obtain concurrence on legal sufficiency of documents to be issued before exercising authorities 1.a or 1.d.

**4. REDELEGATION AUTHORITY.**

- a. These authorities may not be further redelegated.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

**5. ADDITIONAL REFERENCES.**

- a. Section 309(g) and 311 of CWA.
- b. Chapter 1, Delegations 1-37 and 1-38 entitled "Hearings" and "Adjudicatory Proceedings."
- c. 40 CFR Part 22.

6. **SUPERSESSON.** This Regional Order supersedes Regional Order R6-2-52A, dated January 31, 2008.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

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JAN 19 2017

**MEMORANDUM**

**SUBJECT:** Delegations of Authority

**FROM:** Gina McCarthy

**TO:** Matthew Fritz, Chief of Staff

On Wednesday, January 18, 2017, I signed a number of revisions to EPA Delegations of Authority. In anticipation of my signature on the revised delegations, and to make certain that there were no lapses in authority, many Regional Administrators and Assistant Administrators signed revised re-delegations consistent with my revisions on January 17, 2017. I hereby accept and ratify any such re-delegations as appropriate re-delegations of authority until otherwise revised or revoked. To the extent that any actions taken under the delegated or re-delegated authority described herein may require ratification, such action is hereby approved and ratified.